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NO. 0335 P. 5

OFFICIAL

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: Ferm et al                    CASE NO. F08029 (CNT)  
SERIAL NO.:09/846,697                    GROUP ART UNIT: 1756  
FILED: May 1, 2001                    EXAMINER: J.A. McPherson  
FOR: Polymer Waveguide Fabrication Process      Confirmation No: 2899

RESPONSE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is in response to the Office Action dated October 9, 2003.

REMARKS

Claims 1-10 and 12-33 are in the case. Claims 1-10 and 12-33 stand rejected. The Examiner has continued to reject the instant application as anticipated under 35 USC 102. Applicants respectfully traverse the Examiner's rejection.

Applicant presents the present paragraph as a correction to the previous response. Applicant was mistaken in stating that Example G of Xu does not state whether or not the photomask employed was in contact with the photosensitive surface. It is stated on Col 33 lines 27-32 of Xu that the photomask was in contact with the photosensitive composition. However, Applicant's claims are limited only to non-contact processes.

Applicant does not disagree that Xu makes mention of imaging processes in which the photomask is not in contact with the imageable surface, and that Xu makes mention of the use of a buffer layer, when necessary. However, as the Examiner is aware, mere mention of an element of a subsequently claimed invention by another does not in itself rise to the level of anticipation. In order for Xu to serve as prior art for the instant application, Xu must also provide sufficient description and enablement to enable one of skill in the art to arrive at the instant invention using ordinary methods. Applicant respectfully asserts that Xu provides no such enablement.